

REMARKS

Applicant wishes to thank the Examiner for the careful consideration given to this case. In the Office Action, claims 1-7 were rejected by the Examiner. More specifically, claims 1-7 were rejected under 35 U.S.C. §102(a) as being anticipated by GB 2369591 (Worthington).

Claim 1 has been amended herein. Support for the amendment may be found in the originally filed specification at least in paragraph [0026]. As such, no new matter has been added. Upon entry of this amendment, claims 1-7 will remain pending. For the reasons set forth below, Applicant requests that the above-listed rejections be withdrawn.

Claims 1-7

Applicant submits that amended independent claim 1 is novel over Worthington because Worthington fails to teach or suggest each and every limitation of amended independent claim 1. See MPEP §2131 (stating that a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in the single prior art reference). More particularly, Applicant submits that Worthington fails to teach or suggest, among other things, “an absorbent central core comprising a nebulizing agent” as recited in claim 1.

Worthington discloses a filter. With respect to the filter, Worthington teaches a tracheostoma filter comprising a substantially planar filter element such as a foam or fabric material. Worthington, p. 3, ll. 6-15. Worthington further teaches that the filter “compensates for the loss of upper airway resistance in the part of the airway which now sits above the stoma.” Worthington, p. 1, ll. 18-20.

In contrast, claim 1 requires “an absorbent central core, comprising a nebulizing agent, attached to the flap.” Rather than just a filter as taught by Worthington, claim 1 teaches the use

of a nebulizing agent to saturate the core. As such, the nebulizing pad of claim 1 enables the user to inhale moist air through the absorbent central core. Worthington merely teaches a filter. Worthington does not teach enabling a user to inhale moist air from a nebulizing pad as required by claim 1.

Accordingly, for at least the reasons set forth hereinabove, Applicant submits that claim 1 is allowable over the Examiner-cited prior art. See MPEP §2131. Because claims 2-7 depend from and incorporate all of the limitations of claim 1, claims 2-7 are likewise allowable over the Examiner-cited prior art. Accordingly, Applicant requests that the §102(a) rejections associated with claims 1-7 be withdrawn.

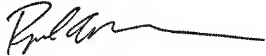
All of the stated grounds of rejection have been properly traversed or accommodated. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. There being no other rejections, Applicant respectfully requests that the current application be allowed and passed to issue.

If the Examiner believes for any reason that personal communication will expedite prosecution of this application, I invite the Examiner to telephone me directly.

AUTHORIZATION

The Commissioner is hereby authorized to charge any additional fees which may be required for this Amendment and Response, or credit any overpayment, to deposit account no. 05-0426.

Respectfully Submitted,
PEPPER HAMILTON LLP

A handwritten signature in black ink, appearing to read 'R. Miller', with a long horizontal flourish extending to the right.

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Dated: April 19, 2007